

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES COTTON,

Plaintiff,

vs.

WADE STEPHENS, JR., and
RAMON ESTEVEZ,

Defendants.

4:18CV3138

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Suggestion of Death that was filed by Defendants on December 21, 2020 (Filing 113), advising the court that Plaintiff died on November 6, 2020. In a Memorandum and Order entered on December 22, 2020 (Filing 114), the court determined it would dismiss this action without prejudice if a motion for substitution was not filed within 90 days thereafter. *See* Fed. R. Civ. P. 25(a)(1). That 90-day period has now elapsed, and no motion for substitution has been filed.

Accordingly,

IT IS ORDERED:

1. Plaintiff's action is dismissed without prejudice.
2. Judgment shall be entered by separate document.

Dated this 23rd day of March, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge